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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 480 OF 1990
AND
CRIMINAL APPEAL NO. 481 OF 1990

The State of Maharashtra ... Appellant
(in both appeals)

V/s

Hukum Narayan Fatelal Sharma ... Respondent
(in both appeals)

Mr. P.S. Hingorani, A.P.P. for the appellant.

Mr. V.S. Kapse for the respondent accused.

CORAM: D. G. DESHPANDE &
SMT. NISHITA MHATRE, JJ.

DATED: 7TH JUNE, 2007.

P.C.:

1. Both these appeals are filed by the State challenging acquittal of the accused under Sections 465, 467, 468, 477-A, 420 and 408 of the Indian Penal Code by the Metropolitan Magistrate by judgment dated 17.3.1990.

2. We heard the learned A.P.P. and the advocate for the respondent accused.

3. The judgment alleged that the accused had committed misappropriation of the amount of Rs.70,000/- by making

alterations in certain vouchers. Two witnesses were examined by the prosecution. Their evidence did not inspire confidence and the Court also found that there are counter entries supporting the defence that the amount has not been taken and there is no forgery or alterations in the documents. Even after going through the entire record, evidence and the judgment, it cannot be said that the judgment of the Trial Court is perverse. It may be noted that two views were possible, out of which the Trial Court adopted the view resulting in acquittal of the accused. The trial was of 1983 and the so-called misappropriation was of 1982. Twenty five years have elapsed and in the circumstances, we do not think it necessary, proper and appropriate to interfere with the order of the acquittal.

4. Hence, both appeals stand dismissed.

5. In view of dismissal of the appeals, Cri. Revision Application No. 197 of 1990 does not survive and stands dismissed.

(D.G. DESHPANDE, J.)

(SMT. NISHITA MHATRE, J.)